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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 928,349	08 14 2001	Joong-Hyun Mun	06192.0263.NPUS00	6679

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EXAMINER

NGO, HUYEN LE

ART UNIT PAPER NUMBER

2871

DATE MAILED: 09/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/928,349

Applicant(s)

MUN ET AL.

Examiner

Julie-Huyen L. Ngo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 8-38 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claim 8, drawn to a Liquid Crystal Display (LCD) comprising a pixel electrode with a first opening pattern and a common electrode with second opening pattern, classified in class 349, subclass 141.
- II. Claims 9-11, drawn to a color filter substrate for a liquid crystal display comprising first and second protrusions having different thickness formed on a ***common electrode***, classified in class 349, subclass 106, 110 and 155.
- III. Claims 26-29, drawn to a Thin Film Transistor array substrate comprising an organic insulating pattern having a protrusion pattern with a thickness, and a flat portion with a second thickness formed on a ***semiconductor pattern***, classified in class 349, subclass 43 and 155.
- IV. Claims 12-19, drawn to a method for fabricating color filter substrate for a LCD comprising a first protrusion with a first thickness, and a second protrusion with a second thickness formed on a *common electrode*, classified in class 430, subclass 7.
- V. Claim 20, drawn to a method for fabricating a Liquid Crystal Display comprising a thin film transistor array substrate and a color filter substrate, classified in class 430 and 349.

- VI Claims 21-25, drawn to a method for fabricating color filter substrate for a LCD comprising a protrusion and a polymer pillar of different height/width formed on a common electrode, classified in class 430, subclass 7.
- VII. Claims 30-38, drawn to a method for fabricating Thin Film Transistor array substrate comprising the steps of forming an organic insulating pattern having a protrusion pattern with a thickness, and a flat portion with a second thickness formed on a semiconductor pattern, classified in class 438.

The inventions are distinct, each from the other because of the following reasons:

Inventions of groups I, II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are unrelated since they comprise different features that are underlined and listed above. These inventions are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects.

Furthermore, the inventions of groups II and III are distinct from groups IV, VI and VII since the inventions of groups IV, VI and VII and groups II and III are related as process of making and product made. The inventions are distinct if either or both of the following can be shown:

(1) that the process as claimed can be used to make other and materially different product **or**

(2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)).

In the instant case the products as claimed can be made by another and materially different processes:

The product in group II can be made by another and materially different processes such as the processes recited in claims 15, 17 or 19 of groups IV and VI.

The product in group III can be made by another and materially different processes such as the processes recited in claims 32, 34 or 38 of groups VII.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Further more, these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Nevertheless, this application discloses the following patentably distinct species of the claimed invention:

- A. The species of First embodiment (figure 1)
- B. The species of Second embodiment (figure 2)
- C. The species of Third embodiment (figure 3)
- D. The species of Fourth embodiment (figures 4-14)
- E. The species of Fifth embodiment (figures 15-23)

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F. The species of Sixth embodiment (figures 29-35)

G. The species of Seventh embodiment (figures 36-47)

H. The species of Eighth embodiment (figures 48-49)

Applicant is further required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there is no generic claim.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims and any drawings readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143).

Contact Information

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Julie-Huyen L. Ngo whose telephone number is (703) 305-3508. The Examiner can normally be reached on T-Friday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Robert H. Kim can be reached at (703) 305-3492.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

August 3, 2003



Julie-Huyen L. Ngo

Patent Examiner
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